



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 16, 2019

CASE NUMBER: 2018OPA-1049

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employee subjected him to biased policing based on her investigation and reporting of an incident in which he was involved.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

Named Employee #1 (NE#1) and another officer were called to a Seattle college regarding a disturbance. The 911 caller, who was later identified as the Complainant, reported that he was told by a professor to leave a classroom and that he believed this was due to his race. The officers first made contact with a security guard, who informed them that there was a confrontation between the Complainant and a professor. During the confrontation, the Complainant alleged that he was being racially discriminated against and intimated that he would use political support in Washington, D.C. to rectify the situation. The officers made contact with the Complainant. The Complainant reiterated that he felt that he had not been allowed to remain in the classroom because of his race. He stated that he was registered for the course but was still not allowed to remain. The Complainant told the officers that the professor refused to accept his academic accommodations and that, on a prior occasion, the professor had gotten in his face. He stated that he stopped going to the course as a result of that previous interaction and that it made him feel unsafe. However, the professor was teaching the only section of a history course that he needed to take. This was particularly the case because he had failed the course that prior semester.



NE#1 and the other officer then spoke with the professor. The professor told the officers that the Complainant had previously complained about insufficient academic accommodations. The professor recounted that the Complainant asked that his grade be changed, and the professor told the Complainant that he could not do so. As a result, the Complainant stated that the school and the professor were racist. The Complainant further allegedly stated that he was going to get help from President Trump and have the professor fired. The Complainant also sent emails to the professor and a number of other individuals alleging racism. The professor stated that, when the Complainant then showed up at his class this semester, the professor asked him to leave. The professor said that, at the time, the information he possessed indicated that the Complainant was not registered for his course. The professor stated that, when he asked the Complainant to leave, the Complainant stood up and began giving a speech to the class. The professor said that he went to get his dean and, when he returned to the classroom, the Complainant was gone. The officers provided a case number to all of the involved individuals and left the school.

In a long and difficult to follow email to OPA sent approximately ten months after the incident, the Complainant alleged, among other things, that NE#1 subjected him to biased policing during her investigation and reporting of this case. This OPA case ensued.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*)

While the Complainant may be unhappy with how this case was investigated and the contents of the General Offense Report that NE#1 generated, his allegations regarding bias on NE#1’s part are without basis. From OPA’s review of the evidence – most notably, the BWV, NE#1 investigated this case thoroughly and fairly. She gave all of the involved individuals, including the Complainant, time to provide their accounts and then accurately documented those accounts in her report. Her decision to not take enforcement action was based on the fact that no crime occurred, not, as was alleged here, on the race of the Complainant. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**